IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6168 OF 2005

Jagdish Dayashankar Patil ...Applicant
Vs.
The State of Maharashtra ...Respondent

Shri Prashant D. Jadhav for the Applicant.
Ms M.M. Deshmukh, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : OCTOBER 21, 2005.

P.C.:

1. Heard the Advocate appearing for the Applicant. The offence is under sections 307 and 34 of the Indian Penal Code. The learned Advocate for the Applicant submitted that there is gross delay in recording the statement of injured person and there is no explanation for delay. He pointed out that there is no proper identification of the accused persons by the eye-witnesses. He pointed out that though it is alleged that the accused persons went away on the motorcycle after committing the offence, there is no recovery of the motorcycle. He submitted that considering the fact that the Applicant already spent one year in incarceration, he is entitled to be enlarged on bail.

2. The learned A.P.P. has placed on record copies of the statements and other material. I have

considered the submissions. There is material on record to explain in recording the statement of the injured. The Medical Practitioner who treated the first informant has stated that he was earlier not fit to give statement. The injury certificate of the injured person shows that there are serious injuries on the head and there is amputation of right hand. Apart from this, there is evidence of recovery of sword at the instance of the Applicant. The version of the injured person is that the Applicant assaulted him by sword. There is enough material on record to show the complicity of the Applicant.

3. Application is rejected. If the case is not committed to the Court of Sessions, the same will be done within a period of two weeks. If the Fast Track court is available, the case will have to be entrusted to the Fast Track Court. Considering the relative young age of the Applicant, trial should be completed within a period of six months from the date on which it is committed to the Sessions Court.

JUDGE